

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE WILLOUGHBY,)
Petitioner,) No. C 07-6295 CRB (PR)
vs.) ORDER DENYING
NORM KRAMER, Executive Director,) CERTIFICATE OF
Respondent.) APPEALABILITY

Petitioner has filed a notice of appeal. It is an open question in the Ninth Circuit whether a state pretrial detainee who files a habeas petition under § 2241 must obtain a certificate of appealability (“COA”) in order to appeal. McNeely v. Blanas, 336 F.3d 822, 832 n.10 (9th Cir. 2003). But other circuits have held that such petitioners must obtain a COA. Id. Assuming a COA is required in this case, a COA is DENIED. Petitioner has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall forward to the Ninth Circuit the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

SO ORDERED.

DATED: April 15, 2008


CHARLES R. BREYER
United States District Judge